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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/622,017

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David Heller

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05/06/2005

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EXAMINER

HOLLAR, ANDREA B

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/622,017

Applicant(s)

HELLER ET AL.

Examiner

Andrea Hollar

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☒ Claim(s) 15 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/27/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

Claim Objections

Claim 15 is objected to because of the following informalities: on line 2, the phrase "at least one a computer system" is used and is assumed to be a typographical error. Appropriate correction is required.

Claim 24 is objected to because of the following informalities: Claim 24 is not a single sentence. Section 608.01(m) requires that a claim consist of "a sentence" and that "Each claim begins with a capital letter and ends with a period. Periods may not be used elsewhere in the claims except for abbreviations." Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-9, 11-12, 15, 17-19, 21-22, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Kent (The Complete Idiot's Guide to the Internet).

With respect to claim 1, Kent discloses a method for sharing media data between application programs operating on at least one computer system, the computer system having a display and a data storage device (p. 267, line 1; p. 268, lines 7-8), said method comprising:

(a) accessing, by a second application program, a data communication file provided by a first application program (p. 267, lines 1-2);

(b) producing a user interface on the display using data from the data communication file (p. 267, fig. 19.1);

(c) receiving a user selection with respect to the user interface (p. 268, line 4);

(d) identifying a media content file associated with the user selection (p. 268, line 4); and

(e) associating a media content file identified by the user selection to the second application program (p. 268, lines 5-6).

With respect to claim 2, Kent discloses that the data within the data communication file includes a link to the media content file (p. 268, line 4).

With respect to claim 4, Kent discloses that said associating (e) comprises presenting the media content file at the computer system (p. 268, lines 5-6).

With respect to claim 5, Kent discloses that said associating (e) comprises playing or displaying, within the second application program on the computer system, media content from the media content file (p. 268, lines 5-6).

With respect to claim 6, Kent discloses that the user interface includes at least a menu of media items determined from data acquired from the data communication file provided by the first application program (p. 267, fig. 19.1).

With respect to claim 7, Kent discloses that the user interface is produced by the second application program (p. 267, fig. 19.1):

With respect to claim 8, Kent discloses that said method is performed by the second application program (p. 267, lines 1-2, fig. 19.1; p. 268, lines 4-6).

With respect to claim 9, Kent discloses that the data communication file is a markup language document (p. 267, line 1).

With respect to claim 11, Kent discloses that data within the data communication file pertains to media items managed by the first application program (p. 267, lines 1-2).

With respect to claim 12, Kent discloses that the data within the data communication file includes at least media item properties and links to storage locations for media content files containing media content for the media items (p. 266, lines 20-25).

With respect to claim 15, Kent discloses a computer readable medium including at least computer program code for sharing media data between application programs operating on at least one a computer system, said computer readable medium comprising:

computer program code for accessing, by a second application program, a data communication file provided by a first application program (p. 267, lines 1-2);

computer program code for producing a user interface using data from the data communication file (p. 267, fig. 19.1);

computer program code for receiving a user selection with respect to the user interface (p. 268, line 4);

computer program code for identifying a media content file associated with the user selection (p. 268, line 4); and

computer program code for associating a media content file identified by the user selection to the second application program (p. 268, lines 5-6).

With respect to claim 17, Kent discloses that said computer program code for associating comprises presenting the media content file at the computer system (p. 268, lines 5-6).

With respect to claim 18, Kent discloses that the user interface includes at least a list of media items determined from data acquired from the data communication file provided by the first application program (p. 267, fig. 19.1).

With respect to claim 19, Kent discloses that the data communication file is a markup language document (p. 267, line 1).

With respect to claim 21, Kent discloses that data within the data communication file pertains to media items managed by the first application program (p. 267, lines 1-2).

With respect to claim 22, Kent discloses that the data within the data communication file includes at least media item properties and links to storage locations for media content files containing media content for the media items (p. 266, lines 20-25).

With respect to claim 26, Kent discloses that the data communication file is stored on the first computer system, the second computer system, or another computer system (p. 267, lines 1-2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 13-14, 16, 23-25, 27-31, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kent in view of Griner (6,614,729).

With respect to claim 3, Kent discloses that the media content file is useable by the user's browser (p. 268, lines 5-6), however Kent does not expressly disclose that the media content file is stored in the data storage device by the first application program.

Griner teaches that it is known that an application can create and save media files in a directory (col. 6, lines 53-58).

Kent and Griner are analogous art because they are both from the same field of endeavor of utilizing electronic audio files.

At the time of invention, it would have been obvious to one of ordinary skill in the art that a computer serving media files over FTP could have an application capable of creating and saving the media files.

The motivation for this arrangement would have been to allow the user of the computer serving media files over FTP to be able to create his or her own media files.

Therefore, it would have been obvious to combine Kent with Griner for the benefit of user created content to obtain the invention as specified in claim 3.

With respect to claim 13, Kent does not expressly disclose that said producing (b), said receiving (c), said identifying (d) and said associating (e) are each able to be performed regardless of whether the first application program is being executed by the computer system.

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Griner teaches that it is known that an application can create and save media files in a directory (col. 6, lines 53-58).

Kent and Griner are analogous art because they are both from the same field of endeavor of utilizing electronic audio files.

At the time of invention, it would have been obvious to one of ordinary skill in the art that a computer serving media files over FTP could have an application capable of creating and saving the media files. One of ordinary skill in the art would recognize that once a file is created and saved by an application, that application does not have to be running on the computer in order for that file to be transmitted to another computer.

The motivation for this arrangement would have been to allow the user of the computer serving media files over FTP to be able to create his or her own media files and allow them to be transmitted to other computers.

Therefore, it would have been obvious to combine Kent with Griner for the benefit of transmitting user created content to obtain the invention as specified in claim 13.

With respect to claim 14, Kent discloses that the user's application program is an image or video manager and viewer (p. 267, fig. 19.1), however Kent does not expressly disclose that said first application program is a music manager and player.

Griner teaches an audio editing program that is capable of creating audio files and saving them in a specified location (col. 6, lines 53-58).

Kent and Griner are analogous art because they are both from the same field of endeavor of utilizing electronic audio files.

At the time of invention, it would have been obvious to one of ordinary skill in the art that a computer serving media files over FTP could have an application capable of creating and saving the media files.

The motivation for this arrangement would have been to allow the user of the computer serving media files over FTP to be able to create his or her own media files.

Therefore, it would have been obvious to combine Kent with Griner for the benefit of user created content to obtain the invention as specified in claim 14.

With respect to claim 16, Kent discloses that the data within the data communication file includes a link to the media content file (p. 268, line 4) and that the media content file is useable by the second application program (p. 268, lines 5-6).

Kent does not expressly disclose that the media content file is stored by the first application program.

Griner teaches that it is known that an application can create and save media files in a directory (col. 6, lines 53-58).

Kent and Griner are analogous art because they are both from the same field of endeavor of utilizing electronic audio files.

At the time of invention, it would have been obvious to one of ordinary skill in the art that a computer serving media files over FTP could have an application capable of creating and saving the media files.

The motivation for this arrangement would have been to allow the user of the computer serving media files over FTP to be able to create his or her own media files.

Therefore, it would have been obvious to combine Kent with Griner for the benefit of user created content to obtain the invention as specified in claim 16.

With respect to claim 23, Kent discloses that said computer program code for producing, said computer program code for receiving, said computer program code for identifying and said computer program code for associating are part of the second application program (p. 267, lines 1-2, fig. 19.1; p. 268, lines 4-6).

Kent does not expressly disclose that each of the above are able to be performed regardless of whether the first application program is being executed by the computer system.

Griner teaches that it is known that an application can create and save media files in a directory (col. 6, lines 53-58).

Kent and Griner are analogous art because they are both from the same field of endeavor of utilizing electronic audio files.

At the time of invention, it would have been obvious to one of ordinary skill in the art that a computer serving media files over FTP could have an application capable of creating and saving the media files. One of ordinary skill in the art would recognize that once a file is created and saved by an application, that application does not have to be running on the computer in order for that file to be transmitted to another computer.

The motivation for this arrangement would have been to allow the user of the computer serving media files over FTP to be able to create his or her own media files and allow them to be transmitted to other computers.

Therefore, it would have been obvious to combine Kent with Griner for the benefit of transmitting user created content to obtain the invention as specified in claim 23.

With respect to claim 24, Kent discloses that the user's application program is an image or video manager and viewer (p. 267, fig. 19.1). Kent also discloses that the data communication file is stored on any of a first application program, a second application program, or a third application program 9p. 267, lines 1-2).

Kent does not expressly disclose that said first application program is a music manager and player.

Griner teaches an audio editing program that is capable of creating audio files and saving them in a specified location (col. 6, lines 53-58).

Kent and Griner are analogous art because they are both from the same field of endeavor of utilizing electronic audio files.

At the time of invention, it would have been obvious to one of ordinary skill in the art that a computer serving media files over FTP could have an application capable of creating and saving the media files.

The motivation for this arrangement would have been to allow the user of the computer serving media files over FTP to be able to create his or her own media files.

Therefore, it would have been obvious to combine Kent with Griner for the benefit of user created content to obtain the invention as specified in claim 24.

With respect to claim 25, Kent discloses that the user's application program executes on the user's computer to obtain files from a separate computer (p. 263, lines 10-11; p. 267, fig. 19.1), however Kent does not expressly disclose a first application program that executes on a first computer system.

Griner teaches that it is known that an application can create and save media files in a directory (col. 6, lines 53-58).

Kent and Griner are analogous art because they are both from the same field of endeavor of utilizing electronic audio files.

At the time of invention, it would have been obvious to one of ordinary skill in the art that a computer serving media files over FTP could have an application capable of creating and saving the media files.

The motivation for this arrangement would have been to allow the user of the computer serving media files over FTP to be able to create his or her own media files.

Therefore, it would have been obvious to combine Kent with Griner for the benefit of user created content to obtain the invention as specified in claim 25.

With respect to claim 27, Kent discloses a computer that has stored thereon a plurality of files pertaining to media items (p. 263, lines 5-7) and a communication file that includes at least a portion of the media information of the stored media files (p. 265, lines 25-26; p. 267, lines 1-2). Kent also discloses a data storage device that stores the communication file and a media content file for each of a plurality of media items (p. 263, lines 5-7; a server must have a storage device in order to store media content files), and an application program that presents a user interface using at least a portion of the media information acquired from the communication file (p. 267, fig. 19.1).

Kent does not expressly disclose a first application program that creates and saves the plurality of files pertaining to media items.

Griner discloses that it is known that an application can create and save media files in a directory (col. 6, lines 53-58).

Kent and Griner are analogous art because they are both from the same field of endeavor of utilizing electronic audio files.

At the time of invention, it would have been obvious to one of ordinary skill in the art that a computer serving media files over FTP could have an application capable of creating and saving the media files.

The motivation for this arrangement would have been to allow the user of the computer serving media files over FTP to be able to create his or her own media files.

Therefore, it would have been obvious to combine Kent with Griner for the benefit of user created content to obtain the invention as specified in claim 27.

With respect to claim 28, Kent further discloses that said second application program receives a user selection with respect to the user interface, thereby selecting at least one media item (p. 268, line 4).

With respect to claim 29, Kent further discloses that said second application program plays or displays media content from the media content file for the selected media item (p. 268, lines 5-6).

With respect to claim 30, Kent further discloses that said second application program makes use of the media information from the communication file or media content from the media content file for the selected media item (p. 268, lines 5-6).

With respect to claim 31, Kent further discloses that the communication file is a markup language document (p. 267, lines 1-2).

With respect to claim 33, Kent further discloses that the user interface includes at least a list of certain of the media items affiliated with the first media database (p. 267, lines 1-2, fig. 19.1).

With respect to claim 34, Kent further discloses that the list is a menu (p. 267, fig. 19.1).

With respect to claim 35, Kent further discloses that said data storage device further stores data forming the first media database (p. 263, lines 5-7).

Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kent in view of Book (2003/0223566).

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With respect to claims 10 and 20, Kent does not expressly disclose that the markup language document is an XML document.

Book teaches that XML can be used to create a web page (par. 88, line 11).

Kent and Book are analogous art because they are from the same field of endeavor of computing systems.

At the time of invention, it would have been obvious to one of ordinary skill in the art that Kent's web page could be written in XML, as taught by Book. The motivation for doing so would have been to enable Kent's invention to take advantage of the human readable tags that XML provides.

Therefore, it would have been obvious to combine Book with Kent for the benefit of human readable tags to obtain the inventions as specified in claims 10 and 20.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kent in view of Griner as applied to claim 27 above, and further in view of Book.

Kent and Griner do not expressly disclose that the markup language document is an XML document.

Book teaches that XML can be used to create a web page (par. 88, line 11).

Kent, Griner, and Book are analogous art because they are all from the same field of endeavor of computing systems.

At the time of invention, it would have been obvious to one of ordinary skill in the art that Kent's web page could be written in XML, as taught by Book. The motivation for doing so would have been to enable Kent's invention to take advantage of the human readable tags that XML provides.

Therefore, it would have been obvious to combine Book with Kent and Griner for the benefit of human readable tags to obtain the invention as specified in claim 32.

Claims 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kent in view of Griner as applied to claim 27 above, and further in view of Kronick (Netscape Navigator).

With respect to claims 36 and 37, Kent and Griner do not expressly disclose that said first application program updates the communication file whenever the first media database is updated or changed.

Kronick teaches that pressing reload in a browser will update the markup language file to include any changes or updates to the page (p. 112, lines 1-7).

Kent, Griner, and Kronick are analogous art because they are all from the same field of endeavor of computing systems.

At the time of invention, it would have been obvious to a person of ordinary skill in the art that if a user of Kent's invention were to press the browser's reload button, an updated list of the files available on the FTP server would appear in the browser window. The motivation behind this would have been to enable the user to be sure that he or she is viewing the most up-to-date list of files available.

Therefore it would have been obvious to combine Kronick with Kent and Griner for the benefit of up-to-date information to obtain the inventions as specified in claims 36 and 37.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kent in view of Griner as applied to claim 27 above, and further in view of Buswell (6,836,885).

Kent and Griner do not expressly disclose that said first application program updates the communication file when a user interface window associated with the first application program is context switched into a foreground position.

Buswell teaches that it is known to refresh the information in a window when the window is switched to the foreground (col. 4, lines 15-17).

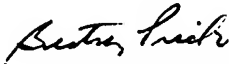
Kent, Griner, and Buswell are analogous art because they are all from the same field of endeavor of computing systems.

At the time of invention, it would have been obvious to one of ordinary skill in the art to allow Kent's invention to update the file list information in the browser window when the window is switched to the foreground, as taught by Buswell.

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The motivation for doing would have been to enable the user to be sure that he or she is viewing the most up-to-date list of files available.

Therefore it would have been obvious to combine Buswell with Kent and Griner for the benefit of up-to-date information to obtain the invention as specified in claims 38.


BEATRIZ PRIETO
PRIMARY EXAMINER

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea Hollar whose telephone number is 571-272-5862. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 571-272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BEATRIZ PRIETO
PRIMARY EXAMINER

ABH